

AMENDED IN ASSEMBLY MARCH 28, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 1783

Introduced by Assembly Member Dodd
(Principal coauthor: Senator Wolk)

February 4, 2016

An act to add Chapter 8 (commencing with Section 17660) to Part 10.5 of Division 1 of Title 1 of the Education Code, relating to school facilities.

LEGISLATIVE COUNSEL'S DIGEST

AB 1783, as amended, Dodd. School facilities: nonstructural earthquake hazards: ~~annual~~ assessment.

Existing law, the Field Act, generally requires the Department of General Services to supervise the design and construction of, the reconstruction or alteration of, or the addition to, a school building to ensure, among other things, that plans and specifications comply with adopted rules and regulations and building standards, including those relating to seismic safety. Existing law requires the Office of Emergency Services, in cooperation with the State Department of Education, the Department of General Services, and the Alfred E. Alquist Seismic Safety Commission, to develop an educational pamphlet for use by school personnel to identify and mitigate the risks posed by nonstructural earthquake hazards.

This bill would require each school district, county office of education, and charter school, on or before January 1, 2018, to develop a plan for the ~~annual~~ inspection of the contents in each of its school buildings for ~~purposes~~ to assess whether the contents comply with the guidelines set forth in the pamphlet, to identify school building contents that do not

comply with the guidelines, and to develop corrective actions to bring noncompliant ~~content~~ *contents* into compliance. The bill would require, among other things, that the plan be developed in consultation with specified persons, that it designate the responsible person or persons who will perform the assessment and develop the corrective action plans for noncompliant contents, and that it include a cost estimate for the ~~annual~~ assessment. The bill would require each school district, county office of education, and charter school to complete ~~its initial annual~~ *the* assessment on or before January 1, ~~2019, and to complete each subsequent annual assessment on or before January 1 of each year thereafter.~~ *2020*. The bill would require, within 60 days of completing an assessment for each school building, *that* a checklist of compliant and noncompliant contents ~~to be presented~~ *be reported* to the governing board of the school district, the county board of education, or the governing body of the charter school, as applicable, with *a prioritization of noncompliant items that threaten the safety of pupils and school personnel* and a set of ~~recommended~~ *recommended* corrective actions to bring ~~all high-priority~~ noncompliant contents into compliance with the published guidelines and ~~a recommended schedule to implement the corrective actions, as specified.~~ *guidelines*. By imposing additional duties on local educational agency officials, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. The Legislature finds and declares all of the
- 2 following:
- 3 (a) Following significant damage to school buildings in the 1933
- 4 Long Beach earthquake, the Field Act was enacted to mandate the
- 5 earthquake-resistant construction of schools.

(b) The Division of the State Architect (DSA) reviews the design, construction, alteration, addition, and rehabilitation of K–12 public schools and community colleges.

(c) The DSA also monitors the safety of nonstructural components installed in school facilities.

(d) Implementation of the Field Act, as defined pursuant to Section 17281 of the Education Code, *is depends upon* a complex interrelationship with dispersed responsibilities ~~between~~ among state departments and agencies, school districts, local government building departments, educational institutions, and the construction industry.

(e) The South Napa earthquake struck in the early morning on August 24, 2014. Structural damage to schools was minimal. However, nonstructural damage was significant and could have been life threatening had the earthquake occurred during school hours.

(f) The earthquake highlighted dangers posed by light fixtures, unrestrained bookcases, storage units, furniture, and other similar school contents that are not subject to the Field Act’s requirements.

(g) The DSA has issued guidelines for nonstructural earthquake hazards in California schools, which include furniture and equipment. However, there are no requirements in state law similar to the requirements of the Field Act that require the DSA, local fire agencies, or school districts to inspect schools to ensure that school contents comply with the DSA nonstructural component guidelines.

(h) School classrooms should be examined ~~on an annual basis~~ to ensure that furnishings and equipment are properly located, anchored and braced to prevent harm to pupils and school personnel, and to ensure egress from any room after an earthquake.

SEC. 2. Chapter 8 (commencing with Section 17660) is added to Part 10.5 of Division 1 of Title 1 of the Education Code, to read:

CHAPTER 8. NONSTRUCTURAL EARTHQUAKE HAZARDS

17660. (a) By no later than January 1, 2018, each school district, county office of education, and charter school shall develop a plan for the ~~annual~~ inspection of the contents, as described in Section ~~17762~~, 17662, in each of its school buildings.

(b) The purpose of the plan shall be to assess whether the contents comply with the guidelines set forth in Chapter 3 (Furniture and Equipment) of the “Guide and Checklist for Nonstructural Earthquake Hazards in California Schools,” the educational pamphlet published by the Office of Emergency Services, in cooperation with the State Department of Education, the Department of General Services, and the Alfred E. Alquist Seismic Safety Commission pursuant to Section 8587.7 of the Government Code, to identify school building contents that do not comply with the guidelines, and to develop corrective actions to bring noncompliant ~~content~~ *contents* into compliance.

(c) The plan shall be developed in consultation with a California licensed civil or structural engineer or a California licensed architect, a representative of the local fire service agency of each school building, a school administrator or school business official, a classroom teacher, and a representative of classified school employees.

(d) The plan shall designate the responsible person or persons in the school district, county office of education, or charter school, as applicable, who will perform the assessment and develop the corrective action plans for noncompliant contents. The plan shall also identify all school buildings that are to be assessed and the order of assessment.

(e) The plan shall include a cost estimate for the ~~annual~~ assessment.

(f) The plan shall be presented to the governing board of the school district, the county board of education, or the governing body of the charter school, as applicable, at a public meeting held pursuant to the Ralph M. Brown Act (Chapter 9 (commencing with Section 54950) of Part 1 of Division 2 of Title 5 of the Government Code), or, in the case of a statewide charter school, the Bagley-Keene Open Meeting Act (Article 9 (commencing with Section 11120) of Chapter 1 of Part 1 of Division 3 of Title 2 of the Government Code).

17661. (a) Each school district, county office of education, and charter school shall complete ~~its initial annual~~ *an* assessment pursuant to the plan developed pursuant to Section 17660 on or before January 1, 2019, ~~and shall complete each subsequent annual assessment on or before January 1 of each year thereafter. 2020.~~

(b) The person or persons designated pursuant to subdivision (d) of Section 17660 shall, at minimum, complete the checklist published in the “Guide and Checklist for Nonstructural Earthquake Hazards in California Schools,” ~~identifying Schools~~ *to identify* all compliant and noncompliant contents found ~~pursuit pursuant~~ to the checklist.

(c) (1) Within 60 days of completing an assessment for each school building, the checklist of compliant and noncompliant contents shall be ~~presented~~ *reported* to the governing board of the school district, the county board of education, or the governing body of the charter school, as ~~applicable, with~~ *applicable. The report shall include a prioritization of noncompliant items that present an immediate and serious threat to the safety of pupils and school personnel and a set of recommended corrective actions to bring all high-priority noncompliant contents into compliance with the published guidelines and a recommended schedule to implement the corrective actions.* *guidelines.*

(2) The governing board of the school district, the county board of education, or the governing body of the charter school, as applicable, shall review and ~~approve the recommended corrective actions~~ *the report* in a public meeting held pursuant to the Ralph M. Brown Act (Chapter 9 (commencing with Section 54950) of Part 1 of Division 2 of Title 5 of the Government Code), or, in the case of a statewide charter school, the Bagley-Keene Open Meeting Act (Article 9 (commencing with Section 11120) of Chapter 1 of Part 1 of Division 3 of Title 2 of the Government Code), and shall post ~~each assessment and the recommended approved actions~~ *the report* on its Internet Web site.

(d) (1) ~~Upon completion of all of the recommended~~ *If* corrective actions for noncompliant contents in each school building in the school district, the county office of education, or charter ~~school,~~ *school are completed,* the superintendent of the school district, the county superintendent of schools, or the chief administrator of the charter school, as applicable, shall certify in writing to the governing board of the school district, the county board of education, or the governing body of the charter school, as applicable, ~~and the local fire service agency consulted pursuant to subdivision (c) of Section 17760, the State Department of Education, and the Division of the State Architect that all~~ *which* corrective actions have been *taken and* completed.

1 (2) The certifications for each school building shall be posted
2 to the school district's, county office of education's, or charter
3 school's Internet Web site, as applicable.

4 17662. For purposes of this chapter, "contents" includes, but
5 is not limited to, file cabinets, bookcases, desktop and countertop
6 equipment, equipment on carts, display cases, art objects, potted
7 plants, aquariums, equipment on wheels or rollers, such as pianos
8 and chalkboards, office equipment, refrigerators, vending machines,
9 shop and gym equipment, gas cylinders, gas piping, storage racks,
10 electrical equipment, mechanical equipment, plumbing equipment,
11 and kitchen equipment.

12 SEC. 3. If the Commission on State Mandates determines that
13 this act contains costs mandated by the state, reimbursement to
14 local agencies and school districts for those costs shall be made
15 pursuant to Part 7 (commencing with Section 17500) of Division
16 4 of Title 2 of the Government Code.